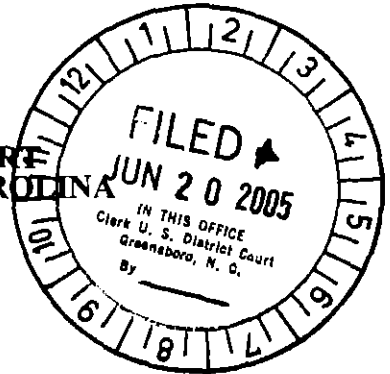


IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



Henry Marshall Bailey,

Petitioner,

v.

Don Wood, Superintendent,

Respondent.

**ORDER REQUIRING ANSWER  
FROM RESPONDENT**

Case No.

**1:05CV00561**

Petitioner, a prisoner of the State of North Carolina, submitted through counsel a petition pursuant to 28 U.S.C. § 2254, together with the five dollar filing fee. The Clerk of Court received the submission on June 13, 2005. Petitioner's motion for leave to proceed in forma pauperis is incomplete and not on the proper form, and will be denied. Accordingly,

**IT IS ORDERED** that respondent shall file an answer with this Court, pursuant to Rules 4 and 5, Rules Governing Section 2254 Cases, within forty (40) days from the entry of this Order.

**IT IS FURTHER ORDERED** that petitioner's motion for leave to proceed in forma pauperis be denied.

*Russell A. Eliason*  
United States Magistrate Judge

June 20, 2005